

Order

Michigan Supreme Court
Lansing, Michigan

February 6, 2008

135277

Clifford W. Taylor,
Chief Justice

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

IN RE BARBARA HROBA TRUST

LUANN HROBA,
Petitioner-Appellant,

v

SC: 135277
COA: 266783
Oakland Probate Ct:
2004-294178-TV

GARY HROBA,
Respondent-Appellee.

On order of the Court, the application for leave to appeal the October 9, 2007 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals and REINSTATE the judgment of the Oakland County Probate Court. Because the issue of the validity of the amendment to the trust was never litigated in the summary proceedings action brought in the 52-4 District Court, res judicata did not bar the petitioner's action in the Oakland County Probate Court. MCL 600.5750; *JAM Corp v AARO Disposal, Inc*, 461 Mich 161 (1999); *Sewell v Clean Cut Management, Inc*, 473 Mich 569 (2001).



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

February 6, 2008

Corbin R. Davis

Clerk